

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA**

HELMETS, Inc., an Alabama corporation,)	
And TODD SOBEL, Inc., an individual,)	
)	
v.)	Case No.2:15-cv-01728-JEO
)	
2:20 MARKETING GROUP, LLC, a Utah)	CLASS ACTION
corporation d/b/a XURLI, and)	
JEFF LERNER,)	
)	

REPORT OF THE PARTIES' PLANNING MEETING

Pursuant to Fed.R.Civ.P. 26(f), a meeting was held on February 9, 2016 electronically and was attended by:

Jim McFerrin, McFerrin Law Firm, LLC for Plaintiffs; and

David J. Kaminski, Carlson & Messer, for Defendants.

The parties do not request a conference with this Honorable Court before entry of the scheduling order.

1. Plaintiff asserts that Defendants made unauthorized telephone advertising calls to the plaintiff's cell phone and to others similarly situated in violation of the Telephone Consumer Protection Act ("TCPA"). Plaintiff asserts also that Defendants violated DO NOT CALL statutes as plaintiff's cell telephone number was on the national do-not-call list.
The Defendants assert that their calls did not violate the TCPA and, otherwise deny the allegations in the complaint.
2. This jury action should be ready for trial by April 10, 2017.
3. The parties request a pretrial conference in March of 2017.
4. **Discovery Plan.** The parties jointly propose to the court the following discovery plan:
 - a. Discovery will be needed on the following subjects: (1) number of advertising calls made within Alabama and nationally that were made without the express permission of the recipient; (2) procedure by

which Defendants secure express permission of recipients and procedure by which defendants determine whether not the number called is on the do-not-call list and is a cell telephone; (3) number of advertising calls made within Alabama and nationally.

- b. All discovery commenced in time to be completed by September 2, 2016.
- 5. **Initial Disclosures.** The parties will exchange by February 28, 2016 the information required by Fed.R.Civ.P. 26(a)(1).
- 6. The parties request until June 1, 2016 to join additional parties and amend the pleadings.
- 7. **Experts.** Reports from retained experts under Rule 26(a)(2) due:
 - a. From Plaintiff by June 30, 2016.
 - b. From Defendants by July 29, 2016.
- 8. **Pretrial Disclosures.** Final lists of witnesses and exhibits under Rule 26(a)(3) due by March 1, 2017.
- 9. **Discovery Limits.**
 - a. Maximum of 40 interrogatories by each party to any other party. Responses due 30 days after service.
 - b. Maximum of 8 depositions by plaintiff and 8 by defendants. Each deposition limited to a maximum of 8 hours unless extended by agreement of parties.
 - c. Maximum of 40 requests for admissions by each party to any other party. Responses due 30 days after service.
 - d. Maximum of 40 requests for production of documents by each party to any other party. Responses due 30 days after service.
- 10. All potentially dispositive motions filed by January 6, 2017.
- 11. Settlement may be possible by the use of mediation.
- 12. The discovery in this action will include Electronically Stored Information (ESI).

13. **Class Certification.**

- a. Plaintiff's Motion for Class Certification and Supporting Brief to be filed by October 3, 2016.
- b. Defendant's Memorandum in Opposition to Class Certification to be filed by November 3, 2016.
- c. Plaintiff's Reply Memorandum to Defendant's Memorandum in Opposition to Class Certification to be filed by November 18, 2016.
- d. Class certification hearing will be set by separate notice.

Date: February 22, 2016.

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